

Voting Leave

All employees entitled to vote, who are otherwise scheduled to work during the hours that the polls are open, and who request leave in advance, shall be granted four (4) hours of voting leave to cast their votes. *See* 101 KAR 2:102(7), 101 KAR 3:015(7).

In order to be eligible for voting leave, an employee must (1) be registered to vote in the county holding the election, (2) be scheduled to work on Election Day during the hours of 6:00 a.m. to 6:00 p.m., local time, and (3) notify their immediate supervisor prior to receiving voting leave. Employees who are authorized to work in lieu of taking voting leave shall receive four hours of compensatory leave.

Voting leave must be requested and approved in advance. In addition to being eligible to vote in the county holding the election, the employee must actually vote in order to receive voting leave. Agencies should develop work schedules in advance of an election that permit employees to share the workload on Election Day while still taking leave time to go to the polls. An employee may receive up to four hours of voting leave for the purposes of voting on Election Day or the same amount of time to cast an absentee ballot, prior to Election Day. Employees electing to vote via absentee ballot are eligible for voting leave on the day they appear before the clerk to request an application for or to execute an absentee ballot. This includes absentee votes cast for out-of-state elections if the employee otherwise qualifies pursuant to the applicable state law.

Additional information:

General Election Days – Allows for 4 Hours of Voting Leave

Presidential Election Days – State Offices will be closed per KRS 18A.190

PERSONNEL CABINET PROCEDURE:

KHRIS Timesheet Coding			
Scenario	37.5 Hour Employees	40 Hour Employees	Part Time Employees (Example: Works 5 hours per day)
Works partial day and Votes	3.5 hours = 1REG 4.0 hours = VOTE	4.0 hours = 1REG 4.0 hours = VOTE	3.5 hours = 1REG 1.5 hours = VOTE
Works full day and Votes	3.5 hours = 1REG 4.0 hours = VOTE 4.0 = 6ADL	4.0 hours = 1REG 4.0 hours = VOTE 4.0 = 6ADL	3.5 hours = 1REG 1.5 hours = VOTE 1.5 hours = 6ADL
Takes Leave and Votes	3.5 hours = ANLL, SICK, or COMP 4.0 hours = VOTE	4.0 hours = ANLL, SICK, or COMP 4.0 hours = VOTE	3.5 hours = COMP 1.5 hours = VOTE

FREQUENTLY ASKED QUESTIONS AND ANSWERS:

Question: *How do I know if an employee is eligible to claim Voting Leave?*

Answer: An employee is eligible to claim Voting Leave if: they are registered to vote, are scheduled to work during the hours that the polls are open (6:00 a.m. – 6:00 p.m.), they request leave (and are approved) by their supervisor in advance and *if* they vote.

Question: *What if an employee claims Voting Leave but does not vote?*

Answer: Employees who claim Voting Leave, but fail to vote under circumstances that did not prevent them from voting, may be subject to disciplinary action. Please contact your HR Administrator for your Agency's internal policy on this matter.

Question: *Can an employee who lives in a different state than Kentucky claim Voting Leave?*

Answer: Yes, employees who reside in states other than Kentucky who meet all eligibility requirements may claim Voting Leave.

Questions: *What is the proper definition for “scheduled working hours”?*

Answer: Scheduled working hours can vary from agency to agency and employee to employee, and are based on the needs of the agency and the employee’s job duties. It is the standard working time an employee is usually scheduled to work (whether it is a regular work schedule or a flex work schedule). In regards to Voting Leave, it is any time between the hours that the polls are open, which is from 6:00 a.m. until 6:00 p.m. If an employee is scheduled to work at any time between this timeframe, the “scheduled to work” requirement for being eligible to vote has been met. If the employee is not scheduled to work on Tuesdays (specifically on an Election Day) between the hours of 6:00 a.m. until 6:00 p.m., they are not eligible for Voting Leave.

Question: *Can an employee claim Voting Leave if voting Absentee Ballot?*

Answer: Yes. Employees electing to vote via absentee ballot are eligible for voting leave on the day the absentee vote is cast at their respective County Clerk’s office – this includes absentee votes cast for out-of-state elections if the employee otherwise qualifies pursuant to the applicable state law. All other eligibility requirements, including prior request and supervisor approval, must be satisfied.

Question: *Can an employee who is out on extended sick leave or extended Family Medical Leave (FML) claim Voting Leave?*

Answer: No. An employee who is off on continuous and extended sick leave or extended FML is not scheduled to work. Therefore, the employee is not eligible to claim voting leave.

Question: *Can an employee who is out on Workers’ Compensation claim Voting Leave?*

Answer: No. An employee who is off work due to a Workers’ Compensation claim is not scheduled to work. Therefore, the employee is not eligible to claim voting leave.

Question: *The policy says that the employee must be scheduled to work to claim Voting Leave. What if they are typically scheduled during the time that the election polls are open, but happen to be scheduled off on either sick or annual leave, but still exercise their right to vote?*

Answer: They are still eligible to claim Voting Leave as long as the requirements for claiming Voting Leave outlined in the policy above have been met. Eligibility to claim Voting Leave still applies even if the employee had planned to work but called in sick, and then voted at some point during the day. Instructions for KHRIS timesheet coding can be found above in the Personnel Cabinet Policy section.

Question: *Can an employee work all day and vote after their scheduled work hours and still claim voting leave?*

Answer: Yes, an employee is eligible to claim voting leave, as long as all eligibility requirements for voting leave discussed above are met. Employees who are eligible for paid Voting Leave and who are permitted or required to work in lieu of time off shall be granted compensatory leave on an hour-for-hour basis, provided the employee did vote. Instructions for KHRIS timesheet coding can be found above in the Personnel Cabinet Policy section.

Question: *Can an employee use any portion of Voting Leave if they attempt to vote but are not able? For instance they forget to bring their photo ID or they arrive at their voting location and learn that there was not an election?*

Answer: No. It is an employee’s responsibility to know about their local election before requesting prior approval to use Voting Leave. Any time spent, during their work schedule, attempting to vote would have to be coded as Annual or Compensatory Leave.